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In re Application of: UNDERBRINK ET AL. :
U.S. Application No.: 10/570,833 :
PCT Application No.: PCT/US2004/028926 :
Int. Filing Date: 02 September 2004 : DECISION
Priority Date: 23 February 2004 :
Atty Docket No.: ST02042USU2 (281-US-U2) :
For: Signal Processing System for Satellite :
Positioning Signals :

This is in response to applicant's Petition under 37 CFR 1.48(a), requesting a Correction of Inventorship, and Petition under 37 1.47(a), requesting acceptance of the application without the signature of one of the co-inventors, filed 30 June 2008.

BACKGROUND

On 02 September 2004, applicant filed international application PCT/US2004/028926, which claimed priority of an earlier United States application filed 02 September 2003. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 02 March 2006.

On 01 March 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 31 August 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 02 April 2007, Applicant sent in petition for extension of time and response to the Notification of Missing Requirements.

On 20 August 2007, the DO/EO/US mailed a Notification of Abandonment.

On 20 August 2007, the DO/EO/US mailed Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495.

On 20 September 2007, Applicant filed a petition under 37 CFR 1.181 to withdraw the Holding of Abandonment. The decision of 08 November 2007 stated that the petition was granted, the notification of Abandonment mailed 20 August 2007 is vacated, and the Notice of Acceptance of Application under 35 U.S.C. 371 mailed 20 August 2007 is vacated.

On 29 May 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed with a one month response period.

DISCUSSION

The petition under 37 CFR 1.48(a) has been treated under 37 CFR 1.497(d). Applicant states that Robert Tso was inadvertently named as an inventor in a combined declaration and power of attorney filed 02 April 2007 signed by Nicolas Vantalon. However, Robert Tso's statement requesting withdrawal as a co-inventor was not signed. The petition indicated that a signed statement by Robert Tso would follow in a supplemental response. Applicant submitted a supplemental statement signed by Robert Tso on 01 July 2008 and a supplemental response with a substitute combined declaration and power of attorney signed by inventor Nicholas Vantalon which does not list Robert Tso as an inventor. However, the supplemental responses were received after the one-month period for response and as such, Applicant has not fully complied with the requirements of the Notification of Defective Response. Accordingly, the application is abandoned.

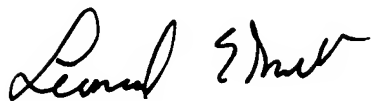
Regarding the petition under 37 CFR 1.47(a), a submission must include:

- (1) proof that the non-signing inventor was presented with the application papers and refused to sign the oath or declaration or that the non-signing inventor could not be found or reached after diligent effort;
- (2) the required fee
- (3) the last known address of the non-signing inventor

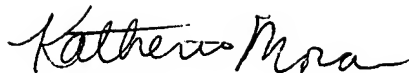
Applicant has submitted a copy of an Express Mail envelope containing a complete copy of the present application, sent by the U.S. Postal Service to Chittharanjan Dassannacharya, with the envelope marked as "no such person in this address". Applicant has failed to set forth further efforts to locate Mr. Dassannacharya. Accordingly, Applicant has not provided sufficient evidence of diligent effort to locate the inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED and the application is hereby ABANDONED.



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